

Message Text

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ACTION AF-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
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FM AMCONSUL DURBAN
TO SECSTATE WASHDC 2885
INFO AMCONSUL CAPE TOWN
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AMCONSUL JOHANNESBURG
USICA WASHDC
AMEMBASSY MASERU

C O N F I D E N T I A L DURBAN 0217

CAPE TOWN FOR EMBASSY

EO 11652: GDS
TAGS: SHUM, PINT, SF
SUBJ: REASONS FOR DETENTION OF H.J. BHENGU

REF: A. DURBAN 212, B. DURBAN 216

1. REFTEL, REPORTING THE DETENTION OF WELL KNOWN BLACK DURBAN ATTORNEY H.J. (BILL) BHENGU, WAS PARTLY IN ERROR. BHENGU WAS DETAINED MARCH 30 FOR QUESTIONING BY SECURITY POLICE BUT WAS RELEASED LATE ON MARCH 31. INFORMATION OBTAINED FROM HIS DAUGHTER SIBONGILE THAT HE WAS STILL DETAINED ON APRIL 3 WAS THUS INCORRECT. (SHE HAD BEEN OUT OF TOWN MOST OF THAT WEEKEND AND DID NOT LEARN OF HER FATHER'S RELEASE UNTIL LATER ON APRIL 3.)

2. DURING LUNCH WITH CONGEN OFFICER APRIL 4, BHENGU SAID HE WAS CALLED TO POLICE STATION MORNING OF MARCH 30 TO PICK-UP BOOKS WHICH THE POLICE HAD CONFISCATED DURING BCP BANNING LAST

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OCTOBER. AFTER ARRIVAL HE WAS QUESTIONED FOR 4 HOURS CONCERNING THE DISAPPEARANCE OF BENNIE KHOAPA, BANNED FORMER EXECUTIVE DIRECTOR OF BCP, WHO POLICE KNEW HAD FLED SA OVER EASTER WEEKEND (MARCH 26-29). BHENGU HAD BEEN CLOSE FRIEND AND ASSOCIATE OF KHOAPA'S AND WAS AWARE OF KHOAPA'S GENERAL PLAN TO LEAVE SA. HOWEVER, KHOAPA PURPOSEFULLY KEPT BHENGU IN DARK AS TO EXACT DATE AND MEANS OF EXIT AND BHENGU WAS THUS

ABLE TO AVOID SOME POLICE QUESTIONS. (POLICE ARE AWARE OF OUR DISCUSSIONS WITH KHOAPA ON POSSIBLE SCHOLARSHIP - REF B). AFTER SATISFYING THEMSELVES AS TO BHENGU'S KNOWLEDGE OF KHOAPA'S DEPARTURE, POLICE INTERROGATED HIM CONCERNING PAYMENTS HE ALLEGEDLY MADE LAST YEAR TO ASSIST THREE BLACK YOUTHS IN FLEEING TO TANZANIA. BHENGU AT FIRST DENIED MAKING PAYMENTS BUT CONFESSED AFTER BEING SHOWN SWORN STATEMENTS IMPLICATING HIM FROM ONE OF THE YOUTHS AND ANOTHER OBTAINED FROM HIS YOUNGEST DAUGHTER, NONHLANHLA, WHO HAD ALSO BEEN DETAINED. CONFRONTED WITH THESE STATEMENTS BHENGU MADE A FULLER STATEMENT OF HIS OWN. HE WAS THEN QUESTIONED FOR SEVERAL HOURS CONCERNING HIS ALLEGED INVOLVEMENT IN AN EFFORT BY INKATHA AND SEVERAL BANNED BLACK CONSCIOUSNESS ORGANIZATIONS TO ORGANIZE JOINT FUND-RAISING OPERATIONS OUTSIDE SOUTH AFRICA. HE CLAIMED NO KNOWLEDGE OF THIS AND, LATER ON MARCH 31, HE AND DAUGHTER WERE RELEASED.

3. EHENGU SAID HE WAS ABLE TO PROTECT ROLE OF HIS OLDEST DAUGHTER, SIBONGILE (AKA MAUD - FORMER ZULU LANGUAGE TEACHER AT CONGEN) WHO HE TOLD US IS NEVERTHELESS DEEPLY INVOLVED IN EFFORTS TO HELP BLACK ACTIVISTS FLEE SOUTH AFRICA VIA MAPUTO. POLICE DID NOT BRING HER NAME UP IN INTERROGATION AND HAVE NOT QUESTIONED HER TO DATE. (MAUD HAS BEEN SUBJECT OF CONGRESSIONAL INTEREST BY CONGRESSMAN CHARLES DIGGS.)

4. NEITHER MR. BHENGU NOR DAUGHTER WAS MISTREATED DURING INTERROGATION. HE SAID POLICE INTEND TO BRING THREE YOUTHS
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TO TRIAL AND TO USE HIS STATEMENT (BUT PERHAPS NOT HIS DAUGHTER'S) AS EVIDENCE AGAINST THEM. HE HAS CONSULTED DURBAN CIVIL RIGHTS LEGALIST LEONARD GERING WHO ADVISED HE ASSERT LAWYER-CLIENT RELATIONSHIP TO AVOID TESTIFYING AGAINST YOUTHS.

5. COMMENT: TESTIMONY AGAINST YOUTHS, IF PUBLICIZED COULD ENDANGER BHENGU IN VIEW OF ATTEMPTS AGAINST AT LEAST TWO OTHER BLACK STATE WITNESSES IN SIMILAR TRIALS. AT A MINIMUM ITS USE WOULD SULLY HIS REPUTATION. UNTIL NOW BHENGU WAS ONE OF ONLY A FEW BLACKS RESPECTED BY BOTH INKATHA AND BLACK CONSCIOUSNESS MOVEMENT. CHAIN OF INCRIMINATING STATEMENTS, AS USED AGAINST BHENGU, IS TYPICAL OF WHAT OTHER DETAINED PEOPLE HAVE TOLD US IS A FAVORITE TACTIC OF THE SECURITY POLICE, AND ITS EFFECTIVENESS IS SHOWN IN ITS ABILITY TO ENTRAP EVEN A SEASONED LEGAL PERSON SUCH AS BHENGU.
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